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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,117	06/13/2001	Johan Wanselin	003300-794	3882
7590 Benton S. Duffett, Jr. BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404				
EXAMINER CHORBAJI, MONZER R				
ART UNIT 1797		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/879,117

Applicant(s)

WANSELIN ET AL.

Examiner

MONZER R. CHORBAJI

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/IC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

This final action is in response to the amendment received on 4/7/09

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 28-30 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huston et al (U.S.P.N. 3,407,027) in view of Hennebert et al (U.S.P.N. 4,764,351).

Regarding claim 28, Huston discloses an autoclave device (figure 1:10) for steam sterilization of goods to be sterilized (col.1, lines 23-24), comprising:

A housing (figure 1:12) defining an outer boundary of the autoclave device (outer shell 12 defines the middle external surfaces of device 10 as shown in figure 1); and

A self-supported pressure chamber (figure 1:14; where inner shell 14 is fully capable of supporting itself) for enclosing the goods to be sterilized, said pressure chamber being manufactured from corrosion resistant material (col.1, lines 48-52),

Wherein said chamber comprises fastening portions (unlabeled exterior surface of inner shell 14 that is fastened to end ring 15 at weld 27; the unlabeled exterior surface of inner shell 14 that is fastened to fastening ring 25 at weld 29 as shown in figure 2; and the unlabeled exterior surface areas where stay bars 28 are connected to inner shell 14 as shown in figure 1) formed in integration with the rest of the pressure chamber (figure 2:14), the pressure chamber being attached to the housing at said fastening portions (col.2, lines 1-7).

Huston fails to teach that the pressure chamber is manufactured from polymer material and also fails to teach that the pressure chamber comprises fastening portions that are manufactured from polymer material as well.

Hennebert sterilizes items in a sterilization chamber (figure 2:1) that is constructed of plastic material (col.5, lines 17-27, col.6, lines 53-55 and col.9, lines 10-

16) since plastic is low in cost and does not conduct electricity (col.5, lines 23-25 and col.6, lines 53-54).

As to the limitation that also the fastening portions are polymeric; manufacturing the entire Huston pressure chamber from only plastic material as guided by Hennebert teachings result in having the entire chamber 14 of Huston made of plastic including its unlabeled exterior surface areas that are fastened to outer chamber 12. It would have been obvious to one of ordinary skill in the art at the time of the invention to manufacture the pressure chamber in Huston with polymeric material since plastic is low in cost and does not conduct electricity as taught by Hennebert (col.5, lines 23-25 and col.6, lines 53-54).

Regarding claim 29, Huston fails to teach that the self-supported pressure chamber is manufactured from one continuous piece.

Hennebert discloses a sterilization chamber (figure 2:1) that is made up of one continuous piece (chamber 1 in figures 1 and 2 is made up of one piece that spans the entire unlabeled walls of the chamber) where the chamber is manufactured of plastic material (col.5, lines 17-27, col.6, lines 53-55 and col.9, lines 10-16) since plastic is low in cost and does not conduct electricity (col.5, lines 23-25 and col.6, lines 53-54). It would have been obvious to one of ordinary skill in the art at the time of the invention to manufacture the pressure chamber in Huston with polymeric material since plastic is low in cost and does not conduct electricity as taught by Hennebert (col.5, lines 23-25 and col.6, lines 53-54).

Regarding claim 30, Huston discloses an outlet (figure 1:19 where suction line 19 is capable of withdrawing steam) that is integrally formed with the chamber (outlet 19 is an integral opening that is part of the inner shell 14).

Huston fails to teach that the chamber has steam inlet.

Hennebert teaches an integral steam inlet within the wall of the chamber (figure 1:1 and 17 and unlabeled integral opening in chamber for inputting steam) so that steam is directly added into the space of chamber resulting in faster increasing pressure and temperature within the chamber. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further add an integral opening into the wall of Huston chamber as taught by Hennebert (figure 1:1 and 17) so that steam is directly added into the space of chamber resulting in faster increasing pressure and temperature within the chamber.

Regarding claim 32, Huston teaches that his pressure chamber (figure 2:14) is attached to the housing (figure 2:12) by means of repeatedly removable fasteners (welds 14, 29, and 27 are considered the repeatedly removable fasteners since they can be broken thereby separating the different components of the housing including inner shell 14; or the different components of the housing including inner shell 14 can be connected back together by welding the components).

Regarding claim 33, Huston fails to teach that the self-supported pressure chamber is made from polymeric material.

Hennebert sterilizes items in a sterilization chamber (figure 2:1) that is constructed of plastic material (col.5, lines 17-27, col.6, lines 53-55 and col.9, lines 10-

16) since plastic is low in cost and does not conduct electricity (col.5, lines 23-25 and col.6, lines 53-54).

As to the limitation that the material is injection moldable, one recognizes that it is known in the art of manufacturing items made of plastics that the plastic material is extruded and molded into various different shapes. It would have been obvious to one of ordinary skill in the art at the time of the invention to manufacture the pressure chamber in Huston with polymeric material since plastic is low in cost and does not conduct electricity as taught by Hennebert (col.5, lines 23-25 and col.6, lines 53-54).

5. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huston et al (U.S.P.N. 3,407,027) in view of Hennebert et al (U.S.P.N. 4,764,351) as applied to claim 29 and further in view of Makhijani (U.S.P.N. 4,352,439).

Huston and Hennebert fail to teach that the chamber is provided with a pair of integrally formed tracks, in which a sealing chamber door is slidably mounted.

Makhijani discloses a door (figure 1:18 and 12) to pressurized sterilizing chamber (col.1, lines 64-66) that is provided with a pair of integrally formed tracks (figure 2:27), in which a sealing door (figure 1:18) is slidably mounted (col.1, lines 66-68) for enabling a user to close the door of a chamber quickly with one hand and with relatively little effort (col.2, lines 27-28). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the modified device in Huston/Hennebert with a sliding door for enabling a user to close the door of a chamber quickly with one hand and with relatively little effort (col.2, lines 27-28).

Response to Arguments

6. Applicant's arguments filed on 4/7/09 have been fully considered but they are not persuasive.

On pages 4-7 of the Remarks section; Applicant argues that the inner shell 14 alone cannot be considered to be a self-supported pressure chamber for use in an autoclave; that Hennebert applies subatmospheric pressure values not considerably high pressure values based on his teachings in figure 6; and that one realize that the plastic chamber taught by Hennebert is not a self-supporting pressure chamber of the kind that could be used in an autoclave device.

The examiner disagrees. Huston teaches that the inner shell 14 is made of high corrosion resistant material without specifying any type. As such, providing the plastic material of Hennebert to Huston's inner shell result in having a self-supported pressure chamber for use in an autoclave. Hennebert discloses that the process can be carried at pressures of above or below atmospheric pressure (col.2, lines 47-57). One recognizes that the plastic chamber of Hennebert is capable of withstanding conventional pressure values encountered during steam applications.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONZER R. CHORBAJI whose telephone number is (571)272-1271. The examiner can normally be reached on M-F 9:00-5:30.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. C./

/Jill Warden/
Supervisory Patent Examiner, Art Unit 1797